

# Exhibit 41

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEW JERSEY  
4 CIVIL ACTION NO. 2:16-CV-06576

5 -----x  
6 INDUSTRIA DE ALIMENTOS ZENU S.A.S.,

7 Plaintiff,

8 - against -

9 LATINFOOD U.S. CORP. d/b/a ZENU PRODUCTS  
10 CO. and WILSON ZULUAGA,  
11 Defendants/Counter Plaintiff.

12 -----x  
13 LATINFOOD U.S. CORP. d/b/a ZENU PRODUCTS  
14 CO.,

15 Defendant/Counter Plaintiff.

16 and

17 INDUSTRIA DE ALIMENTOS ZENU S.A.S  
18 and CORDIALSA USA, INC.

19 -----x  
20 599 Lexington Avenue

21 New York, New York

22 July 11, 2019

23 10:12 a.m.

24 30(B)(6) Deposition of LUIS ARANGO, a  
25 representative of the Plaintiff/Counter  
Defendant held at the above-entitled time and  
place, taken before Carolyn Crescio, a  
Professional Shorthand Reporter and Notary  
Public of the State of New York.

\* \* \*

1 L. ARANGO

2 A. It's a show with retailers.

3 Q. Do you come to New York City for any  
4 of these trade shows?

5 A. No.

6 Q. There's no -- you're not aware of  
7 any candy or --

8 A. No, there are several shows here,  
9 but normally the territory manager is the one  
10 who goes.

11 Q. Have you ever gone to a trade show  
12 in this area?

13 A. Some time ago I went to one of the  
14 CNS show.

15 Q. CNS, when was that?

16 A. I don't remember.

17 Q. Was it in the last five years?

18 A. Yes.

19 Q. Last two years?

20 A. No.

21 Q. Are you familiar with the defendant,  
22 Latinfood?

23 A. Yes.

24 Q. Have you ever seen any Latinfood  
25 Zenu-branded products at any of these trade

1 L. ARANGO

2 shows?

3 A. No.

4 Q. How about Latinfood Ranchera-branded  
5 products at any of these trade shows?

6 A. No.

7 Q. What type of company is Cordialsa  
8 USA?

9 A. Cordialsa is a distribution company  
10 and marketing.

11 Q. Who are you the distribution and  
12 marketing arm for?

13 A. You mean consumers or brands?

14 Q. Are you marketing and distributing  
15 on behalf of somebody else?

16 A. On behalf, no. We distribute our  
17 own brands from Nutresa.

18 Q. So correct me if I'm wrong: Are you  
19 the marketing and distribution arm for Grupo  
20 Nutresa?

21 A. I'm one of many distribution  
22 companies. Nutresa has multiple distribution  
23 companies. We are in the US.

24 Q. Are you the exclusive marketing and  
25 distribution arm for Grupo Nutresa in the US?

1 L. ARANGO

2 A. No.

3 Q. Who else do you know of is marketing  
4 and distributing for Grupo Nutresa in the US?

5 A. They export to several other  
6 companies in the US.

7 Q. Are you the only company working for  
8 Grupo Nutresa that's in the U S?

9 A. No.

10 MR. RAYMOND: Objection to the  
11 form of the question. He just  
12 answered.

13 Q. Are you operating exclusively for  
14 Grupo Nutresa in the US?

15 MR. RAYMOND: Objection to the  
16 form of the question.

17 A. Can you elaborate more on the  
18 question "exclusively"?

19 Q. Are you the representative of Grupo  
20 Nutresa in the US?

21 MR. RAYMOND: Object to the  
22 question. Asked and answered. He's  
23 not going to answer it again.

24 A. No.

25 Q. These other distribution companies

1 L. ARANGO

2 Q. Does Cordialsa handle US marketing  
3 and distribution for Grupo Nutresa in the US?

4 A. We handle Grupo Nutresa products in  
5 the US.

6 Q. Thank you. Does Cordialsa work for  
7 any other companies besides its parent company,  
8 Nutresa?

9 MR. RAYMOND: Objection to form.

10 A. What you mean? "Work" is what?

11 Q. Does Cordialsa handle marketing and  
12 distribution for companies other than Grupo  
13 Nutresa in the US?

14 A. Yes. We have one brand that is not  
15 Grupo Nutresa brand.

16 Q. What is that brand?

17 A. It's called Mexico Lindo. Mexico,  
18 L-I-N-D-O.

19 Q. What did you sell for them?

20 A. Hot sauce.

21 Q. Is Mexico Lindo a Mexican company?

22 A. Yes.

23 Q. How many people does Cordialsa  
24 employ?

25 A. We have around 100. One hundred

1 L. ARANGO

2 people.

3 Q. Do you have any non-US employees?

4 A. Non-US employees, yes.

5 Q. How many?

6 A. I don't know.

7 Q. What type of products does Cordialsa  
8 distribute in the US for Nutresa?

9 A. Cookies and crackers, coffee, candy,  
10 chocolate, pasta, powder drinks and hot sauce.

11 Q. Any meats?

12 A. No.

13 Q. How about vegetables?

14 A. Vegetables, no.

15 Q. How about beans?

16 A. No.

17 Q. Are the products that you're selling  
18 on behalf of Nutresa, are they sold exclusively  
19 in the US? Only in the US?

20 MR. RAYMOND: I'm going to  
21 object. Once again, you're far  
22 beyond the agreed subjects of this  
23 deposition. Clearly the subjects of  
24 this deposition were to limit  
25 questions about sales of Zenu,

1 L. ARANGO

2 Ranchera-branded products in the  
3 United States.

4 There's nothing in here about  
5 asking questions about other  
6 activities of Cordialsa that have  
7 absolutely nothing to do with this  
8 lawsuit. You have a very limited  
9 counterclaim against Cordialsa  
10 involving one incident, and you  
11 certainly can ask him about that.

12 We produced documents about Zenu  
13 and Ranchera activities by this  
14 company, and we agreed that you  
15 could ask questions about those  
16 subjects, as well. But all of the  
17 other activities that Cordialsa may  
18 be engaged in are beyond the scope  
19 of any of these agreed subjects.  
20 The whole purpose of negotiating  
21 this was to limit the subjects of  
22 this deposition.

23 So you are clearly violating the  
24 agreement that you made as set forth  
25 in these topics for examination.



1 L. ARANGO

2 MR. INGBER: Well, I certainly --

3 MR. RAYMOND: I suggest you limit  
4 your questions to what you agreed to  
5 testify about, because we are not  
6 going to bring the witness back, and  
7 you have a limited amount of time.  
8 But in any event, we are not going  
9 to let him talk about subjects  
10 beyond the agreed scope.

11 MR. INGBER: Well, I disagree  
12 with your characterization, but I'm  
13 going to move on to my next  
14 question.

15 Q. Does Cordialsa sell or distribute  
16 any Zenu or Ranchera products in the US?

17 MR. RAYMOND: Today?

18 A. Today, no.

19 MR. INGBER: You are  
20 interjecting. If he -- that is not  
21 an objection, today. That is not a  
22 proper legal objection.

23 MR. RAYMOND: Objection to form.  
24 What is the time frame in which  
25 you're asking him? Is that better?

1 L. ARANGO

2 Now you can ask the next question.

3 I do get to object to the form.

4 MR. INGBER: You get to object to  
5 the form, but you don't get to  
6 interject with anything other than  
7 that. And you're making a habit out  
8 of doing that.

9 MR. RAYMOND: You know perfectly  
10 well that the time frame that things  
11 happen or didn't happen is very  
12 important in this case. So you need  
13 to explain in your question what  
14 time frame you're asking about.

15 Q. Has Cordialsa ever sold or  
16 distributed any Zenu or Ranchera-branded  
17 products in the US?

18 A. Yes.

19 Q. When did you do that?

20 A. 2014. It was a couple of cases in  
21 Texas.

22 Q. Were they sold in the US?

23 A. Yes.

24 Q. To who?

25 A. One bakery in Texas.

1 L. ARANGO

2 Q. What bakery?

3 A. It's called Paneria Central.

4 Q. Was this a one-shot occurrence?

5 A. Yes.

6 Q. What did you sell to them?

7 A. Beans.

8 Q. How much was the value of the sale?

9 Do you recall?

10 A. Very minimum. Less than \$50.

11 Twenty, 30, whatever.

12 Q. Twenty to \$30? Is that the only  
13 time?

14 A. Yes.

15 Q. How did the sale come about, if I  
16 may ask?

17 A. It was sold. Everything was sold.

18 Q. Did this company contact you?

19 A. Can you explain more?

20 Q. Did they contact Cordialsa about  
21 purchasing products from you?

22 A. It was a regular customer.

23 Q. Do you have a copy of the sales  
24 document for the product?

25 A. Yes.

1 L. ARANGO

2 MR. INGBER: We ask that that  
3 document be produced and any and all  
4 communications in regard to that  
5 sale be produced.

6 We will put that in a subsequent  
7 request after the deposition.

8 Q. Do you recall if there are any  
9 emails relating to that sale?

10 A. What you mean emails about the sale?

11 Q. Were there any communications in  
12 written form, either via email or letter between  
13 Cordialsa and Paneria Central regarding the sale  
14 and/or purchase of these Zenu-branded beans?

15 A. Emails, no. The invoice.

16 Q. Invoice, okay. You think that might  
17 be the only --

18 A. A picture of the sale.

19 Q. Do you know if you were allowed  
20 to -- do you know if you obtained permission  
21 from US Customs about selling Zenu-branded  
22 products in the US to Paneria?

23 A. What you mean that you're allowed?

24 Q. Where were these products made?

25 A. They were made in Colombia.

1 L. ARANGO

2 Ranchera-branded products in the US?

3 A. I don't know.

4 Q. If you need to take a break for any  
5 reason, let us know. It's not a marathon.

6 Can you tell me about what the corporate  
7 structure of Cordialsa is in the US?

8 A. We belong to Grupo Nutresa, so we  
9 are a subsidiary.

10 Q. Who are the current officers and  
11 directors of Cordialsa?

12 A. Alberto Hoyos, Jaime Correa and  
13 Alejandra Sarazty.

14 Q. Is Mr. Hoyos your boss or superior?

15 A. Yeah, my superior.

16 Q. Do you know how long Mr. Hoyos has  
17 been the president of Cordialsa?

18 A. Since the beginning.

19 Q. I think you mentioned previously  
20 that you had developed a sales strategy for Zenu  
21 products in the US; is that correct?

22 A. In 2014, yes.

23 Q. Is that a written document?

24 A. Yeah. We have all of the steps to  
25 do the sales in the US, like the pricing and all

1 L. ARANGO

2 these things. Everything related.

3 Q. Has that plan been implemented, to  
4 your knowledge?

5 A. No. It was put on hold in 2014.

6 Q. How come?

7 A. Again, I was just waiting, and  
8 Industria told me to put it on hold because  
9 there was a issue with their trademark.

10 Q. Do you know if it had anything to do  
11 with sanitary or labeling issues?

12 A. I don't know.

13 Q. Has this sales strategy been  
14 produced to us, to your knowledge?

15 MR. RAYMOND: Object to the form  
16 of the question. The implication is  
17 there is some single document, and  
18 that's not been the testimony.

19 Q. Is there a document with the sales  
20 strategy that you're referring to?

21 A. I have documents on the pricing  
22 analysis, the importing process, the compliance  
23 with the FDA regulation, and the manufacturing  
24 plant registration. That's part of the business  
25 plan.

1 L. ARANGO

2 Q. This business plan, do you know if  
3 this business plan has been produced in this  
4 case to us?

5 A. I don't know.

6 MR. RAYMOND: We produced all of  
7 the documents that we have been able  
8 to locate that relate to the  
9 activities taking place from 2011 to  
10 2014 regarding the possibility of  
11 selling Zenu and Ranchera products  
12 in the United States.

13 MR. INGBER: Well, I'm not aware  
14 of this business plan. If it's been  
15 produced, then I ask that you  
16 identify it. If it has not, then I  
17 ask that you produce it.

18 MR. RAYMOND: As I said before,  
19 and I think the witness made clear,  
20 I don't think you're understanding.  
21 He's talking about a business plan  
22 as a plan, not as a single document.

23 There's no single business plan  
24 document, as I understand it. There  
25 are a number of documents --

1 L. ARANGO

2 Zenu, and he direct me to Hernando. And I talk  
3 with Hernando about the possibility of bringing  
4 the product to the US.

5 Q. When you say "the president," was  
6 that Diego Medina?

7 A. Yes.

8 Q. Do you know if there were any  
9 issues or any discussions about validating the  
10 use of the Zenu brand in the US?

11 A. No. The validation is a normal  
12 process for us for everything that we do. It's  
13 not a specific issue, but it's a concern. We  
14 normally do it for every single product.

15 Q. When you say "validation," are you  
16 referring to getting a trademark for it in the  
17 US? Do you know?

18 A. If it's active, if we need to ask  
19 for the use, if we need to register, any option  
20 has to be worked with Servicios Nutresa.

21 Q. When you say you have to register,  
22 do you mean with the US Trademark Office?

23 A. Yeah.

24 Q. At that time, were you aware of  
25 any -- were you aware of Latinfood selling



1 L. ARANGO

2 Zenu-branded products in the US?

3 A. No.

4 Q. Do you know if there were any  
5 discussions in Colombia at that time about  
6 somebody else using the name "Zenu" in the US?

7 MR. RAYMOND: Object to the form  
8 of the question.

9 A. To my knowledge, no.

10 Q. What happened as a result of these  
11 meetings and discussions?

12 A. We started working on the  
13 requirements, like labeling, reviewing the  
14 pricing analysis, everything. Yeah. We work a  
15 lot on it, on the product, until we got the  
16 notification they have to review the trademark.

17 Q. Did you understand there to be some  
18 issues with registering the trademark in the US?

19 A. No. When I started the product, not  
20 at all. After, when we were kind of ready.

21 Q. When you were what?

22 A. Ready with the product.

23 Q. When was that, if you know?

24 A. June, July, August. Later on.

25 MR. INGBER: Off the record.

1 L. ARANGO

2 (A lunch break was taken.)

3 FURTHER EXAMINATION

4 BY MR. INGBER:

5 Q. When did you first become aware of  
6 this lawsuit?

7 A. When I received the letter from  
8 Latinfood.

9 Q. When was that?

10 A. I don't remember exactly the date.

11 Q. Do you know if it was in 2017? You  
12 don't know?

13 A. No.

14 Q. Did there come a point in time where  
15 Cordialsa was issued a counterclaim in  
16 this matter from Latinfood?

17 A. I don't know.

18 Q. Do you know if Latinfood ever sued  
19 Cordialsa in this case?

20 A. I received a communication from  
21 Latinfood. I pass it over to the -- our  
22 lawyers.

23 Q. Okay. I want to show you --

24 MR. INGBER: Mark that Arango 4.

25 (Defendant's Fourth Answer to

1 L. ARANGO

2 Q. Was that that marketing plan you  
3 were talking about, the business plan?

4 A. No. It was just an overview at the  
5 supermarkets, and I saw the potential of the  
6 category.

7 Q. Was this a written survey?

8 A. No.

9 Q. Was it verbal?

10 A. It's not a survey. It was potential  
11 that I saw.

12 Q. Oh, potential that you saw.

13 A. Uh-huh.

14 Q. And did you share that with  
15 Industria?

16 A. Yes. That's why I asked them to  
17 start the process of bringing the product to the  
18 US.

19 Q. And what year was that?

20 A. It was in 2011.

21 Q. Back in 2011, did you create a  
22 marketing strategy for Zenu-branded products in  
23 the US?

24 A. Marketing strategy, no, not really.  
25 Not really a marketing strategy. I started the

1 L. ARANGO

2 process of analyzing the possibility of bringing  
3 the product to the US.

4 Q. Can you describe Cordialsa's sales  
5 strategy for bringing in Zenu-branded products  
6 into the US back in 2011?

7 A. 2011, we normally target the  
8 demographics. We saw a potential of Colombians  
9 in Florida, New Jersey, New York and Washington.  
10 So our proposal or our offer is to offer  
11 products with name brand recognition for  
12 Colombians that want -- to have the product that  
13 they have in origin, here in the US. That's  
14 what we do.

15 Q. Did you as -- on behalf of Cordialsa  
16 do any kind of investigation to determine  
17 whether Industria Zenu products could be  
18 imported into the US?

19 A. I did the research with Pro Export.  
20 It's a Colombian government entity who promote  
21 the export from Colombia to any country.

22 Q. Was this back in 2011?

23 A. Yes.

24 Q. Were there any written  
25 communications with Pro Export about this?

1 L. ARANGO

2 A. Yes.

3 Q. And that was back in 2011?

4 A. Yes.

5 Q. What do you recall them saying?

6 A. That we are allowed to bring the  
7 products in. It's included in the free trade  
8 agreement, but they recommended to send to  
9 Customs the product to get the approval of the  
10 label on the cans and everything.

11 (Email is received and marked as  
12 Arango Exhibit 6 for identification,  
13 as of this date.)

14 A. Just to clarify, it's 2014. That's  
15 what I see in the --

16 Q. Right now you have in front of  
17 Arango 6, which is some email communication  
18 dating back to 2014?

19 A. Uh-huh.

20 Q. After looking at this document,  
21 you're correcting yourself to mean that your  
22 communications with Pro Export were in 2014,  
23 correct?

24 A. 2014, yes.

25 Q. Thank you.

1 L. ARANGO

2 MR. INGBER: These documents,  
3 just for the record, are numbered  
4 IAZDNJ0002505 through 2507.

5 Q. Now, on 2506, which is the second  
6 page, there's an email from you dated May 30th,  
7 2014 to Elena Bustamante Crump.

8 A. Correct.

9 Q. Who is she?

10 A. She's the representative from the  
11 Pro Export in Texas.

12 Q. Now, according to this email, you  
13 say: I would like to see if Pro Export can  
14 advise us of some products they have always  
15 wanted to bring, but they say there that they  
16 can't be brought to the US for some restrictions  
17 from the US government. In particular, they are  
18 some Zenu products.

19 Do you know what the restrictions that you're  
20 talking about here refer to?

21 A. Yeah. The cans. The cans have some  
22 limitations about bringing the product to the  
23 US, and the TLC agreement with Colombia has some  
24 restrictions. As I am not a person with legal  
25 knowledge about that, I proceed to go to Pro

1 L. ARANGO

2 Export because they have knowledge about the  
3 free trade agreement.

4 Q. Actually, it looks like the first  
5 page is the response to that; is that correct?  
6 2505.

7 A. Yeah. He said we can meet in  
8 person. Some time, I can send her product specs  
9 and information.

10 Q. Did you respond to this?

11 A. Yeah. We talk about it over the  
12 phone, and he explained we can do it when she  
13 advise me to go to Customs.

14 Q. They asked you on 2505, Ms. Enela  
15 said, Can you make a list of the products, their  
16 specifications and the most important is what  
17 percentage of meat are contained in the  
18 preparation?

19 So did you do that?

20 A. Yeah, but not to her. I call her to  
21 say, the best way you can make it -- she said  
22 you can make it. We reviewed the agreement.  
23 But there are some limitations on the meat  
24 content, so proceed to send to Customs, real  
25 samples, and they can give you feedback.

1 L. ARANGO

2 Q. Did you do any surveys or take any  
3 tests to determine if Zenu had any brand  
4 recognition in the US?

5 A. No.

6 Q. Are you aware of any -- again,  
7 you're aware now of Latinfood selling  
8 Zenu-branded products; is that correct?

9 A. Yes.

10 Q. Are you aware of any consumers being  
11 confused about who is making Zenu-branded  
12 products in the US?

13 A. That I'm aware of, no.

14 Q. Are you aware of any incident or  
15 person or company in the US who has been  
16 confused as to whether the goods sold under the  
17 Zenu mark are Industria's and not Latinfood?

18 A. No.

19 Q. Has anyone ever contacted you or  
20 Industria to see if you're affiliated with  
21 Latinfood in the US?

22 MR. RAYMOND: Objection to the  
23 form of the question. Again, he's  
24 not here to testify for Industria.  
25 He can testify as to Cordialsa.



1 L. ARANGO

2 better the content of origin.

3 Q. Where would you mark that? On the  
4 label?

5 A. The label.

6 Q. So --

7 A. We send the samples, and they gave  
8 back to us with recommendations.

9 Q. So I summarized this as saying that  
10 that there's a labeling issue.

11 A. No.

12 Q. If it's not -- if the label is not  
13 properly marked, then I guess --

14 A. The objective was to -- the tariff  
15 classification of the can beans, as you see on  
16 the title. They review it. They gave feedback,  
17 and they send a recommendation to properly mark  
18 the country of origin.

19 Q. Would that be -- to properly mark it  
20 on the label; is that correct?

21 A. Yes.

22 Q. So the label would need to be  
23 changed?

24 A. That's the recommendation.

25 Q. Did you do that?

1 L. ARANGO

2 A. We didn't bring the product up to  
3 that, because as I mentioned before, in 2014 we  
4 were working a lot on the product, but it has to  
5 be stopped in 2014.

6 Q. And this is 2011?

7 A. Yes.

8 Q. But just mentioned 2014. That's  
9 over three years later.

10 A. The pro --

11 MR. RAYMOND: Wait for him to ask  
12 you a question.

13 Q. So why are you talking about 2014  
14 when this letter is dated January 12th, 2011?

15 A. Maybe I misunderstood the years.  
16 But the whole process in 2011, there were two  
17 steps. 2011 and 2014. 2011, when we sent the  
18 samples, the objective was to get the tariff  
19 classification, and they requested samples. We  
20 sent them over. They gave us the  
21 recommendations.

22 From 2011 to 2014, there are some years. At  
23 that time we were increasing a lot our  
24 distribution. We need more volume, we need more  
25 sales. So we were focusing our effort and

1 L. ARANGO

2 increasing distribution. That -- it's not that we  
3 didn't want the product. We were doing a lot,  
4 increasing distribution.

5 2014, because we had a success with other  
6 lines, I add, Please send me over -- because when  
7 we get the project again, I say, Please -- in  
8 March, in the meeting that I have in March, I need  
9 the product -- project back again, because I need  
10 the product for my distribution.

11 Q. Were there any issues with the  
12 trademarking in 2011, to your knowledge?

13 A. No.

14 Q. Did this have anything to do, to  
15 your knowledge, this letter, with Latinfood?

16 A. No.

17 Q. So in connection with this document  
18 in 2011, you got a notice from US Customs  
19 telling you what to do to change the labeling;  
20 is that correct?

21 MR. RAYMOND: It's been asked and  
22 answered about 100 times, but you  
23 want him to say it again? He took  
24 it as a recommendation. He said it  
25 over and over again.

1 L. ARANGO

2 A. The objective was to get the tariff,  
3 the classification, and how it goes with the  
4 free trade agreement. They send back a  
5 recommendation, that we received.

6 Q. So nothing happened -- or did  
7 anything happen from 2011 through 2014 in  
8 connection with bringing in Zenu-branded product  
9 into the US?

10 A. No.

11 Q. Do you know if there was ever a  
12 response made by Cordialsa to this letter?

13 A. No. We didn't have to.

14 Q. Back in 2011, did Cordialsa work  
15 with a US Customs broker to try and get  
16 Zenu-branded products into the US?

17 A. No, I think the way you're saying it  
18 is not correct.

19 Q. What is the correct way?

20 A. We worked with our Customs broker,  
21 and his recommendation was to send samples to  
22 Customs to get the ruling.

23 Q. Was that Mr. Fleischer?

24 A. Yes.

25 Q. What was the result of that testing?

1 L. ARANGO

2 A. The letter.

3 Q. Was there any follow-up testing  
4 done?

5 A. No. The ruling is just a document  
6 they send, that was the tariff classification.  
7 That was the whole purpose.

8 Q. Did Cordialsa attempt to bring  
9 Zenu-branded products into the US for sale in  
10 2014?

11 A. As I mentioned before, I work on  
12 different things to bring the product in 2014.

13 Q. Was Cordialsa successful in 2014?

14 MR. RAYMOND: Object to the form.  
15 Successful at what?

16 Q. In bringing Industria Zenu-branded  
17 products to the US for sale in 2014 -- was  
18 Cordialsa successful?

19 MR. RAYMOND: I object to the  
20 form. But if you understand, you  
21 can answer.

22 A. I don't really understand what  
23 successful mean, but we did a lot. But at the  
24 end, we didn't bring the product because of the  
25 trademark.

1 L. ARANGO

2 Q. Now, are you aware if Zenu-branded  
3 products owned by Industria were canceled in the  
4 US -- trademarks? Excuse me.

5 A. Can you repeat that?

6 Q. Are you aware if Industria's US  
7 trademarks for Zenu-branded products were  
8 canceled in the US?

9 A. I don't know about Zenu product. I  
10 can only speak about Cordialsa.

11 Q. Do you have any knowledge of an  
12 individual named Jairo?

13 A. Who?

14 Q. Jairo, J-A-I-R-O.

15 A. Do you have the last name?

16 Q. That is the last name, J-A-I-R-O.  
17 First name is John. Second name is Jairo.

18 A. Jairo is a second name in Colombia,  
19 so maybe not a last name. There are many John  
20 Jairos.

21 Q. Do you know any?

22 A. No.

23 Q. Okay. Thank you. I'm going to talk  
24 to you a little bit about Alejandro Yepes. Do  
25 you know who he is?

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2 products made under the Zenu brand.

3 Is that what you see?

4 A. Yes.

5 Q. Were these photos -- we don't have  
6 the photos in front of us, I'm not sure if this  
7 is something that came Tuesday or something --

8 MR. RAYMOND: No. This was  
9 produced months ago.

10 MR. INGBER: Do you know if  
11 photos were attached to this?

12 (Whereupon, an off-the-record  
13 discussion was held.)

14 Q. Were these the Latinfood Zenu photos  
15 that --

16 A. Yes.

17 Q. Yes?

18 MR. RAYMOND: When you say "the  
19 Latinfood," which Latinfood Zenu?

20 A. Red bean cans.

21 Q. Red bean cans. I remember that.  
22 Was that the first time you had seen any  
23 Latinfood Zenu products?

24 A. No. This was an email they send  
25 me --

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2 Q. You're sending the email.

3 MR. RAYMOND: Let him finish the  
4 answer.

5 A. 2014, some of the Alejandro and  
6 Alexander, he's the guy in the email, he used to  
7 be our marketing guy. They sold products in the  
8 supermarket. One of the events you see, the  
9 email was sent from Alex Yepes to me, with those  
10 two pictures. I forward them to the corporate.

11 Q. You think that might have been  
12 December 1st, 2014, looking at 2475?

13 A. It was December.

14 Q. December.

15 A. Uh-huh.

16 Q. And that's the email you're  
17 referring to that Mr. Yepes sent you the photos?

18 A. This particular evidence was email  
19 he sent me, but I personally saw in the store,  
20 too.

21 Q. How did you see?

22 A. I saw the store.

23 Q. You went to the store?

24 A. Not this event. It was  
25 another event.



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2 Q. When did you see it?

3 A. In 2014.

4 Q. When in 2014?

5 A. I don't remember.

6 Q. Would it have been before December?

7 A. Yes -- not sure, exactly. But I saw  
8 the product in one of the supermarkets.

9 Q. Do you have any records that could  
10 confirm when you first saw it?

11 A. Yeah.

12 MR. INGBER: Can I have this  
13 marked as Exhibit 9?

14 (Email dated 12/3/14 is received  
15 and marked as Arango Exhibit 9 for  
16 identification, as of this date.)

17 Q. Have you seen this document before?

18 A. Yes.

19 Q. This is documents 2480 through 2482.

20 And on 2481, the last email on the page, there's  
21 a -- I believe it's 9/10 or 9/11. I believe  
22 it's September 10, 2014 at 7:36 p.m. You're  
23 emailing Hernando; is that correct?

24 A. Correct.

25 Q. Now, you say here, the last

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2 With all of the merchandising, appropriate as  
3 the brand requires; this is one. The second is  
4 to create ideas for generating more sales at the  
5 store.

6 Q. But Cordialsa -- was Cordialsa ever  
7 marketing or distributing Zenu-branded products  
8 in the New York metropolitan area?

9 A. No.

10 Q. How about Ranchera?

11 A. No.

12 Q. Do you know or have you heard of  
13 Elvis Rodriguez?

14 A. I've heard about him.

15 Q. Have you ever met him?

16 A. No.

17 Q. Now, Mr. Rodriguez testified that  
18 Mr. Yepes visited him on or about July 15, 2015,  
19 and said that he was directed by you, Luis  
20 Arango, of Cordialsa, to tell stores that all  
21 Zenu product -- all Zenu-branded products sold  
22 by companies who are not Industria  
23 are unauthorized.

24 Are you aware of that?

25 A. No. He said that, but that's not

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2 true.

3 Q. He said that? Mr. Rodriguez is not  
4 saying the truth?

5 A. I don't know. I didn't do any  
6 indication to Alex Yepes, as you mentioned,  
7 other -- they were not Zenu products.

8 Q. "Authorized" you mean?

9 A. Authorized.

10 Q. Were you aware of this incident?

11 A. Yeah. He called me.

12 Q. What did he tell you?

13 A. He called me and said he has an  
14 incident, that he saw some products at the store  
15 under Zenu. And the owner of the Latinfood was  
16 present. And he said the owner of the Latinfood  
17 was saying he said they were fake, and he told  
18 me that the only thing he mentioned was, they  
19 were not the real product that are in Colombia.  
20 And I say that's okay, that's not a product in  
21 Colombia.

22 Q. Did you give him any instructions  
23 about visiting stores in this area regarding if  
24 he found any Zenu-branded products?

25 A. No.

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2 Q. We know for sure that you are aware  
3 of Latinfood selling Zenu products in September  
4 of 2014, I believe; is that correct?

5 A. I don't remember exactly, but I was  
6 aware the product was there before.

7 Q. And what did you do in response to  
8 that?

9 A. It's my responsibility to forward  
10 the pictures to the corporate, and they have to  
11 take care of the situation.

12 Q. Did they tell you to do anything in  
13 response?

14 A. No.

15 Q. Did you tell -- you said it was  
16 okay, I believe, if Mr. Yepes told these -- any  
17 locations that were selling Zenu-branded  
18 products that they were unauthorized; is that  
19 correct?

20 MR. RAYMOND: Objection to the  
21 form of the question. He did not  
22 say that. It was with respect to  
23 one conversation.

24 Q. What did you say?

25 MR. RAYMOND: He's already said

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2 it. Let's read it back.

3 A. On the event that you mentioned on  
4 July 15th, he told me what happened. I said,  
5 Don't worry. That's not a product we sell in  
6 Colombia. That's okay.

7 Q. What were those products? Do you  
8 know, the ones sold in Food Fair?

9 A. He didn't mention specific. He said  
10 some items.

11 Q. I think you just said they were not  
12 the same products as were sold under the Zenu  
13 mark in Latinfood?

14 A. Yeah, because I knew the products  
15 because -- they, in Maryland, and some areas  
16 have informed me there were Zenu products at the  
17 store. But I did -- my only job was to refer  
18 them to the corporate. Nothing else.

19 Q. When you say that the products were  
20 different, do you mean that here they only sell  
21 beans in the US, while -- or here they only sell  
22 beans, but in, say, Colombia they sell meat  
23 products, something to do with that?

24 A. I don't understand the question.

25 Q. You said there were different

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2 products. Were they different food categories  
3 or just different looks, different --

4 A. No. The item was similar to the  
5 Columbian product, but it's not the product that  
6 we made in Industria in Colombia, but it was  
7 identical.

8 Q. Did Mr. Yepes ever tell you that he  
9 called the Latinfood Zenu products fake?

10 A. No.

11 Q. Did Mr. Yepes call you right after  
12 this incident?

13 A. Yes.

14 Q. What did he tell you -- did he tell  
15 you he met Mr. Wilson Zuluaga of Latinfood?

16 A. Yeah. He just called me and told me  
17 what happened and say, Don't worry. That's good  
18 to hear you told me what happened, but those are  
19 not our products and don't worry.

20 Q. Did he tell you that Mr. Zuluaga was  
21 upset?

22 A. He mentioned that, yeah.

23 Q. Did you tell him he could keep doing  
24 whatever he was doing as long as he said that  
25 they were unauthorized?

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